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Attorneys for Plaintiff, FRANK OWENS

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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2008-CV-8414

FRANK OWENS

Plaintiff,

v.

GAFFKEN & BARRIGER FUND LLC,  
G&B PARTNERS, INC., BARRIGER  
CAPITAL, LLC, BRIDGEVILLE  
MANAGEMENT, LLC, LLOYD VERNON  
BARRIGER, and ANDREW MCKEAN,

Defendants.

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2008-CV-9357

MARTHA GRAHAM, MARIA GRIMALDI,  
LLOYD HELLER, PAULA MANZOLILLO  
AND CREAMTON MAPLE TRUST F/B/O  
CARL MILLS,

Plaintiffs,

v.

LLOYD V. BARRIGER, THE ESTATE OF ANDREW  
MCKEAN, LINDA BARRIGER; THE GAFFKEN  
& BARRIGER FUND LLC, G&B PARTNERS, INC.,  
BARRIGER & BARRIGER INC., BARRIGER  
CAPITAL, INC., GITLIN & ASSOCIATES, LLP, and  
JOHN DOE,

Defendants.

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**PLAINTIFFS' JOINT NOTICE OF MOTION FOR  
THE APPOINTMENT OF A RECEIVER**

PLEASE TAKE NOTICE that Plaintiff, FRANK OWENS (hereinafter referred to as "Mr. Owens"), by and through his counsel of record, Lazare Potter & Giacovas LLP, and Plaintiffs, MARTHA GRAHAM, MARIA GRIMALDI, LLOYD HELLER, PAULA MANZOLILLO AND CREAMTON MAPLE TRUST F/B/O CARL MILLS (hereinafter referred to as "the Graham Plaintiffs") by and through their counsel of record, Ronald Jay Litchman, (hereinafter collectively referred to as "Plaintiffs") and pursuant to Rule 66 of the Federal Rules of Civil Procedure, will and hereby does move this Court for an Order granting the appointment of a receiver to assume control of Defendant, GAFFKEN & BARRIGER FUND, LLC,

Plaintiffs' Joint Motion is based upon this Notice of Motion; the supporting Memorandum of Law; the January 23, 2009 Affidavit of Robert A. Giacovas, Esq.; the Complaint filed by Mr. Owens on October 1, 2008; the January 23, 2009 Affidavit of Ronald Jay Litchman; the Complaint filed by the Graham Plaintiffs on October 30, 2008; the Joint Exhibits filed herewith, and such further matters and argument as the Court may consider in connection with the hearing on this Motion.

Pursuant to the Court's Order dated January 9, 2009, Defendants shall file and serve any Opposition to this Motion on or before February 13, 2009.

Pursuant to the Court's Order dated January 9, 2009, Plaintiff's Reply Memorandum shall be filed and served on or before February 27, 2009.

Dated: January 23, 2009

New York, New York

LAZARE POTTER & GIACOVAS LLP

By: \_\_\_\_\_

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